

-Notion of "case studies" - by Harvard
Discussions with N (1965 memo!)

Gearin

Byron Brown

Kaplan

Gorman / Schmitzer /

Dan Liebman SAC

Paul Schatz

Deitchman

Ellen Kent

Arnold Kravitch

Brink

Madam Allison - (Effects of Secrecy: What is possible to
get from open sources)

Fitchy, Battlett / Alsop dispute on Stevenson

Mort: Who determine need-to-know for RAND Seminar Conference?

Campie
~~Antonia~~ March 10, 1970

LS
Columbia Conf - June 13-14

Ann Arbor

Kilpatrick speech

hst De-briefing of officials: 1968

Heyman

Zurich

Hammond

Koner - advise

Frykland - subpoena? stay on STOP

Vince Davis U of D

Dennett

George Melvin Dutch Mueller

Benda I

Dec 1-3 67

Princeton

IN

April 2-4 68

Benda II

19 April 68

Byford

Sept 19-68

DE: How to call meeting at CFR?

Moratorium at CFR!

Silvers...

(Fall ...)

Woodhill!

Chad with Romenstein:

Use methods of civil rights!

Davis — If they're fools, we are — we're one people...

(Yes! We're all one people...)

Target on

Go to sponsors of Congressmen
(see NYT lists)

- Second wave of notables — response to arrests of others — taking their place
- Conversation — strategy session — of notables —
Lobbying in Congress — not to persuade...

Data from
SANE, Common
Cause,

- 1) Have you read PP?
- 2) Have you been to VN?
- 3) Have you seen displays, etc.?
- 4) Have you asked DOD for an estimate of VN who to be killed? What is your est?
- 5) Votes on appropriations, cut-offs; amnesty, draft,
VOIR DIRE OF CANDIDATES

Stennis - points

Oppose the image of Collaboration to that of Appeasement

Prepare to refuse taxes if Gov continues war
(may depend on Withholding...)

America is the wrong side of this war.
(They are fighting us).

CFR group — Silvers, Kleins, ...

May 9: After, ^{some} arrests in Congress — 2nd wave

[see Hearings: 1961, 1964-65 — parallels to
present...]

[vs. criminal Obedience, Secrecy, Deception]

Conf Call — plan strategy for new levels of
resistance, with Cong. focus, (including
legal resistance)...

To Maffett, Perety — We want your body,
not your money.

HARD RAIN.

Case:

Kate;

Henry; Ullman;

Kennedy; (Perry); Moorhead; Stennis;

Foster: - Bedson: carloads of shoes; used by others
(McClellan?)

- Now - mil. going out shoes to present their side.

(Set): Fisher; Wilson; Taylor; Rock?; Bundy; McG

?
- How present testimony from someone, without revealing
sources?

[Store notes from office.

Phones. Xerox?

fix up bedroom; office?

Topic does listed in indictment —

assign does to witnesses: who should talk
about what?

16 April 72

Read: Cinger - Esquire
+ count Kille - Foreign Affairs
Foreign Policy (reminds at CFR?)
Stephan

[Meet with Times: (a) individuals Oaks, Bulger, Greenfield
(b) group?

Chronology: March 31 - Fulllight?

Greenfield as witness (State Dept).

A. Smith, Kennedy, Fox Butterfield,

Frankel

Bradlee; Roberts, Marder, Olander, Graham Simon
Kegelin

Branson

Get Xerox Minkin?

Get Wash Post series

Cinger - Get book

Alan

(In Warbler's personal files at Archives)
[Subpoena VTM files: for my interest.]

641: Conversion

(Mont has basis for suit.)

Witnesses: Mont

Les

(Mooresteen)

Mont: A letter from DOD sent out to a list of people:
"You
" ~~has~~ have been designated to receive...; if you
would like a copy, write back...

Clifford: Office

MCN — two copies to Archives (he had a carbon
copy: sensitive).

Archives are now holding these as personal
property of RSM — if DOD asks for them, he would
tell them to go to court.

[Have Archivist testify.]

Bundy: in his file at State.

[Flower to testify on actual handling.]

Other industries -

Subpoena out to Ranch Corp.

TR

On May 15 - submit jury instructions

30 May - arguments on motion to dismiss. Present practically relevant evidentiary data. (Might delay a couple of days).

Return 10-15 June to start.

Dismiss: Good case on selective prosecution; violation of equal protection of laws. Only 2 successful cases - but ours is strong. Not clear whether to be decided by judge or by jury.
If indictment is defective - judge.

Cal. lets this go to jury; NP, judge decides (pre- or post-?
We'll try to have it go to jury. Hansley

Good case on mandamus on TR - go up to SC, may get stay from Douglas.

Tasks:

1. Put the Gov's case together ; GAME.

Plumb the witnesses ; get something out of each for our case.

2. Not clear on facts.

3. Issues: (a) Papers do not "relate to national defense"
— [in sense of criminal code, espionage act covered
on documents (divorced from intent)]

Efforts: "substantiating on danger to diplomacy,
intelligence

2) Papers small : Florence
— Officials

(b) Public domain defense.

Discovery

[Get microfilm of 000 "news"]

[We are not going to get much out of judge's ruling
on "related to national defense").

[Gov refused to submit sample ruling — asked for
in camera session with judge — he denied —
Miss. said it would involve his theory of the defense ;
they say whole document relates to N.D.

[Unbearable to our "do this?" ... Is it for this
that SC should be sent to prison for going thru having this...]

[Keep in mind: Every former official does what he
is charged with.]

[What are the reasons we give for acquitting?]

3. Intent: TR's

DE's

Threat witnesses: TR will put it down;
DE won't [?] unless we want
to add docs aside from PP.

[I can claim that
too!]

Witness preparation.

4. Justification: (Munich).

What is:

request for
giving instructions

- (1) Under instruction on national defense
Public's need to know.
- (2) Congressional ethics statutes.
- (3) Strongest possible case for Munich: if
not now

7) Broadness of class. system — over-breadth

5. b) Over-classification ^{of these docs.} Cartist Campbell's of function
(tough arg. to make).

(c) Whose property are these? Treated as personal
property of recipient.

(d) DE unauthorized?

PR

[What do we want]

Tasks:

- (1) Define org.
- (2) Define scenarios. (Who we want to say What).

PA

Resources:

1 DE Bandin, Nesson, Berman, ~~DE~~ ^{LA;} Uelman (family with Nesson; prepare DE; put you case together; most prosecutor).

2. TR: Wainglass, Young + Kippen (Bang Little)

3. DE, TR

4. Walt Slovic; ^{Leon Kippman} Wasserstrom (LA; teaches at UCLA). Mont et al.
Mike Krenski (Falk? in PP w/ + Aumondy).

5. Stan, Dave + Joan; Mark...

6.

Tasks, Roles

- (2) Done 1/5 of job on witnesses.

Fairly well on motions, but at expense of witnesses, trial prep.

LB now should get in on motions to dismiss. (tell May 1).

Others on witnesses.

1

Problem: How do we get before pinning that "related to
national defense" means "whose release would
have the n.d."

One should we encourage

How can our experts say "None relates to n.d." when
they have read it all?

Gov Case

Niss. is "single prosecutor" - single case; clear desk,
clear shelves. Estimated 2-4 weeks including filing
selection. His "thing" seems inconsistent with running
pages.

^{questions}
Subpoena to Rand - based on g. filing proceedings:

[that for chronology]

[wrt. TS records: show they were not in

(March 3...)

[What if they ask me: "Did you take out..."
from my safe?]

[We have fun with violations of security procedures.]

[RAND

Witnesses: Les Hall.

Essence of the case: suggest subliminally how super-vent
it was

"An individual can't play God - ignore the
electoral officials..."

[HA... it is the appointed officials of the
Expe branch

Removal from Rand

- for purpose of copying, showing (conversion)

(MHH, Wanda, LG had possession; being stored
at Rand, for them - they returned it

Banlin on OC Testimony

1. What I did during indictment period.
2. Why I did it. (Will go in.)
3. Who I am: background.

4. State of mind re the law: class. reps

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mens rea: state of mind

what I thought I was violating and what would happen.

scienter: knowledge (that I am doing the act).

intent

notice

(conspiracy — must know what I was doing was criminal)

LB: Thinks my initiative in creating study is good — moves it from Skylark study.

- A. Interested in improving processes of gov.
- B. PP falls in this category.
- C. Not an interloper, thing is right; actually initiated project, worked on it, worked with it.
- D. What I learned from it.
- E. Why I did what I did. [Give this to Congress.

F? Give to newspapers: abundance of lack of other prosecution.

But: (a) Judge wants to hold to indictment period.

(b) Judge doesn't want NYT to be a party (confound it; he would be criticized by his constituents.

(c) Cross on other people: contempt of court for allowing LAT to be on trial.)

[Major problem became: not SC opinion attack; but

Structure

A. Lessons learned before U-N order

B. " learned in V-N.

C. " learned from papers.

~~D~~ 1

Examples in each category